

Rogers et al. v. U.S. Dept. of Health and Human Servs., et al.

Exhibit E

**to Governor Henry McMaster's and Michael Leach's Motion for Summary Judgment and
Memorandum in Support Thereof**

Excerpts from Deposition of Lauren Staudt

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

EDEN ROGERS and

BRANDY WELCH,

Plaintiffs,

vs.

CASE NO. 6:19-cv-01567-TMC

UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES;
ALEX AZAR, in his official capacity as SECRETARY of
the UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
ADMINISTRATION FOR CHILDREN AND FAMILIES;
LYNN JOHNSON, in her official capacity as ASSISTANT
SECRETARY of the ADMINISTRATION FOR CHILDREN AND
FAMILIES;
SCOTT LEKAN, in his official capacity as PRINCIPAL
DEPUTY ASSISTANT SECRETARY of the ADMINISTRATION
FOR CHILDREN AND FAMILIES;
HENRY MCMASTER, in his official capacity as
GOVERNOR of the STATE OF SOUTH CAROLINA;

MICHAEL LEACH, in his official capacity as STATE
DIRECTOR of the SOUTH CAROLINA DEPARTMENT OF SOCIAL
SERVICES,

Defendants.

VIDEOTAPED

DEPOSITION OF: LAUREN COLLINS STAUDT
(APPEARING VIA VIRTUAL ZOOM)

DATE: June 4, 2021

TIME: 9:05 AM

REPORTED BY: TERRI L. BRUSSEAU
(APPEARING VIA VIRTUAL ZOOM)

1 Q. Who -- what do you mean by that?

2 What -- who handles these sorts of complaints?

3 A. I mean, I'm aware of this, obviously,
4 with all -- it, you know, affected their license,
5 which is what we do, but no one directly made a
6 complaint to me about it.

7 Q. Have you received complaints before
8 about other CPA's discriminating against
9 prospective foster parents on the basis of religion
10 or sexual orientation?

11 A. No.

12 MS. SCHINDEL: Kate, could we mark Tab
13 8, please?

14 BY MS. SCHINDEL:

15 Q. Miss Staudt, have you ever been aware
16 that Miracle Hill is -- was discriminating against
17 volunteer mentors on the basis of religion?

18 A. I heard -- I heard that.

19 Q. When did you hear that?

20 A. A couple years ago.

21 Q. How did you hear about that?

22 A. I don't know exactly the source, how it
23 came to our attention.

24 (EXHIBIT 4, Statement, with
25 attachments, MIRACLE_HILL_SUBP_002056 to 002058,

1 Q. And which CPAs did you ask for these
2 policies and procedures from?

3 A. I believe we just used that as an
4 opportunity to -- because a lot of times we didn't
5 get them every year because of, you know, being a
6 large document and we just got their changes. We
7 use that as an opportunity to update our files and
8 we asked all of them to send it.

9 Q. When did you ask all of them?

10 A. Probably around the same time Millicent
11 was asking Miracle Hill.

12 Q. And based on that review, did you
13 determine that any other CPAs in South Carolina
14 were discriminating against prospective foster
15 parents on the basis of religion?

16 A. We did not see any.

17 Q. Are you aware of any complaints against
18 other CPAs alleging discrimination on the basis of
19 religion?

20 A. No.

21 Q. Have you ever thought that other CPAs
22 in South Carolina might be discriminating on the
23 basis of sexual orientation?

24 A. I'm not aware. I have not -- I
25 don't -- I don't know.

1 Q. Have you ever suspected that they might
2 be discriminating on the basis of sexual
3 orientation?

4 A. No.

5 Q. Are you aware of any complaints that
6 other CPAs -- against other CPAs alleging
7 discrimination on the basis of sexual orientation?

8 A. I'm not aware of any.

9 Q. Are you familiar with a CPA called
10 Southeastern Children's Home?

11 A. Yes.

12 Q. Do you oversee their license --
13 supervise their licensure?

14 A. Yeah.

15 Q. Do you monitor their compliance with
16 nondiscrimination policies and requirements?

17 A. We -- we do the same for them as we do
18 others.

19 Q. Have you ever become aware that
20 Southeastern Children's Home discriminates against
21 prospective foster parents on the basis of
22 religion?

23 MR. COLEMAN: Object to the form of the
24 question.

25 THE WITNESS: Well, they don't have any

1 When you were talking earlier about the
2 different types of support that a CPA provides
3 during the application process, there are things a
4 CPA does before a family is licensed -- before a
5 child is placed in a home and there's -- there's
6 support, there's things after that point, right?

7 A. Yes.

8 Q. For all the things that happened
9 before, the recruiting, the awareness in the
10 community, activities, helping instill home
11 inspection, even helping out a family to fill out
12 paperwork if that's -- for all of those things,
13 just the pre-license aspect of it, CPAs never get
14 reimbursed or funded by the state or federal
15 government for any of those activities, do they?

16 A. Not -- no, not that I'm aware of. I
17 don't know about the federal government, but not as
18 far as DSS.

19 Q. Okay. And during that -- that process
20 of -- we've sort of defaulted to call it
21 recruiting, but whether it's generating interest or
22 awareness in the community, encouraging people to
23 consider becoming foster parents, throughout that
24 process and then the process of helping to do the
25 home study, helping someone get to the point of

1 or things like that, right?

2 A. Yes.

3 Q. And then a little bit after that there
4 were -- there was some sort of discussion about
5 what those things were, but then you were asked
6 does SCDSS provide those kinds of support.

7 I want to -- I want to make sure I
8 understand that, right, because if a family is
9 working not with a CPA but is directly with SCDSS,
10 does SCDSS provide a quarterly visit?

11 A. Yes.

12 Q. Okay. And I know, for example, that
13 SCDSS can provide transportation services. That's
14 right, isn't it?

15 A. Yes.

16 Q. Does SCDSS provide any sort of
17 ongoing -- I don't know if it's annual or -- but
18 any sort of training or additional continuing
19 education for foster parents?

20 A. Yes.

21 Q. So SCDSS provides it sounds like
22 comparable types of ongoing support that you had
23 described that private CPAs provide, is that right?

24 A. That's correct.

25 Q. I'm going to look for a moment at the

1 A. Yes.

2 Q. And am I right in thinking that SCDSS
3 will willingly and gladly license any qualified
4 person or couple as a foster parent regardless of
5 their religion or sexual orientation, right?

6 A. That's correct.

7 Q. Okay. Look down then at Policy Number
8 1. The first sentence of that refers to the right
9 of a child. The second sentence, I think that is
10 more relevant for our purpose here. I'm going to
11 read it.

12 It says: Further, no individual shall
13 be denied the opportunity to become a foster
14 parent -- excuse me, a foster or adoptive parent on
15 the basis of race, color, national origin,
16 religion, state of residence, age, disability,
17 political belief, sex or sexual orientation.

18 Did I read that correctly?

19 A. Yes.

20 Q. And it's my understanding that in South
21 Carolina, as you just said a moment ago, DSS will
22 license -- will accept the application and will
23 gladly license any qualified person regardless of
24 those factors, right?

25 A. That's correct.

1 small, some are larger, I think you said that
2 Miracle was toward at least the upper half, they're
3 one of the larger ones, is that right?

4 A. Yes.

5 Q. Is part of the reason that Miracle Hill
6 is a larger CPA because they're able to leverage
7 deep relationships within their particular faith
8 community to encourage people who otherwise
9 wouldn't become foster parents, to seek licensure
10 as foster parents?

11 A. I don't -- I don't know that to be
12 true.

13 Q. Do you think a person or a couple
14 are -- are more likely to become foster parents
15 with a CPA that -- that looks like them, that feels
16 like them, by which I mean that shares their
17 beliefs and with whom they have a degree of trust,
18 than that individual or couple would be to become a
19 foster parent with an entity or a CPA that doesn't
20 have that same shared belief system?

21 A. I think that's possible, yes.

22 Q. Just because life attracts life or
23 maybe there's a degree of trust that -- that the
24 individual or the couple might not have towards
25 that state agency, right?

1 MS. SCHINDEL: Object to form.

2 THE WITNESS: Yes.

3 BY MR. COLEMAN:

4 Q. And if that's the case, it's possible,
5 isn't it, that by allowing for an agency that has
6 those kind of deep ties to a community and can use
7 them to bring people off the sidelines and into the
8 game could result in a greater number of licensed
9 foster homes by bringing those people off the
10 sidelines and into the game, isn't it?

11 A. That's possible.

12 (EXHIBIT 16, Document entitled South
13 Carolina Department of Social Services Key Stats
14 from Major Program Areas - Calendar Year, was
15 marked for identification.)

16 BY MR. COLEMAN:

17 Q. I want to show you one document. I'm
18 not able to -- to upload it to Exhibit Share the
19 way that we've been doing it, but what I can do is
20 I can share my screen. So I'm going to try to do
21 that. And you let me know if you're able to see
22 the document that I just pulled up.

23 A. I see it.

24 Q. Okay. Do you recognize this?

25 A. Only because I saw it the other day